



1133279-0028

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gary J. Becker
Serial No. : 09/511,481
Filed : February 23, 2000
Title : EXPANDABLE INTRALUMINAL
ENDOPROSTHESIS
Examiner : Chattopadhyay, Urmi
Group Art Unit : 3738

I hereby certify that this paper is being
facsimile transmitted to The U.S. Patent
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22313-1450, on November 17, 2004.

Richard J. Sterner
Agent Name
Richard J. Sterner
Signature

35,372
PTO Reg. No.
November 17, 2004
Date of Signature

Facsimile No.: 703-872-9306

No. of pages: 4

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTIFICATION OF ERROR IN PAYMENT OF FEES AS A SMALL ENTITY
(37 CFR §1.28(C))

Sir:

When the instant application was filed on February 23, 2000,
all parties holding rights in the invention qualified for small
entity status, and claim for such was rightfully made. However,
some time later this status changed, but, due to no deceptive

intent, the claim was never subsequently withdrawn. This Notification of Error is submitted in order to effect payment of deficiencies owed in accordance with the rules. The claim to status as a small entity is hereby withdrawn.

PAYMENT OF FEES AS SMALL ENTITY

- 1) An excess total claims fee of \$126 was paid on February 13, 2002. The current fee amount for a non-small entity is \$252, and the deficiency owed is thus \$126.
- 2) An excess independent claims fee of \$42 was paid on February 13, 2002. The current fee amount for a non-small entity is \$88, and the deficiency owed is thus \$46.
- 3) A two-month extension fee of \$200 was paid on February 13, 2002. The current fee amount for a non-small entity is \$430, and the deficiency owed is thus \$230.
- 4) An RCE fee of \$385 was paid in January 5, 2004. The current fee amount for a non-small entity is \$790, and the deficiency owed is thus \$405.

5) A five-month extension fee of \$1,005 was paid on January 5, 2004. The current fee amount for a non-small entity is \$2,080, and the deficiency owed is thus \$1,075.

6) A three-month extension fee of \$475 was paid on August 6, 2004. The current fee amount for a non-small entity is \$980, and the deficiency owed is thus \$505.

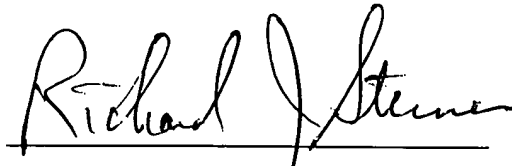
FEE PAYMENT FOR DEFICIENCY

As can be determined from the itemized information above, the total deficiency owed, i.e., the difference between the amount of fees paid by Applicants at the small-entity level and the currently set amount of those fees for a non-small entity, is \$2,387. Authorization is hereby given to charge this sum to Deposit Account No. 23-1703. To the knowledge of Applicants' agent, no other fees of small-entity level were paid by Applicants or charged by the Office. However, should it be determined that any additional deficiencies exist, or should it be determined that any additional fees are due for any reason, said deficiencies or additional fees may likewise be charged.

This submission is made in good faith and meets all of the requirements of 37 CFR §1.28(c)(2).

Date: November 17, 2004

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Richard J. Sterner", is written over a horizontal line.

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Group Art Unit : 3738
Confirmation No.: 3875
Date of Notice of Allowance: March 21, 2006

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§ 1.8	
I hereby certify that this paper is being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
Richard J. Sterner	35,372
Agent Name	PTO Reg. No.
<i>Richard J. Sterner</i>	March 29, 2006
Signature	Date of Signature

Mail Stop Issue Fee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER

Sir:

This is submitted as a follow-up to the Notification of Error in Payment of Fees as a Small Entity (37 CFR §1.28(c)) submitted by Applicants on November 17, 2004.

Via the November 17, 2004 communication, Applicants acknowledged a change in status from that of a small entity to a non-small entity which, through no deceptive intent, had not been reported at the time of the change. In this same

communication, Applicants itemized all instances of fee underpayment between the date of the change and the date of said communication, provided the Office with the actual amounts of underpayment and authorized payment of the additional fees. A copy of Applicants' Notification of Error is provided herewith.

It has just come to Applicants' attention, however, via a check of the PAIR Image File Wrapper, that although the November 17, 2004 Notification of Error was indeed received by the Office, it was erroneously labeled as a "Request for Refund." Under these circumstances, it is clear why the extra fees authorized by Applicants were never charged to Applicants' deposit account and why the recently issued Notice of Allowance and Fee(s) Due still indicates that Applicants are a small entity and that the issue fee due is commensurate with that status. A copy of the relevant portion of the Image File Wrapper with the appropriate entry circled is also provided herewith.

The present communication is being submitted to bring to the Office's attention that Applicants acted in good faith and made a full attempt to advise the Office of the situation and to make restitution for any previous underpayment of fees. The fact that Applicants' good-faith attempt has thus far been unsuccessful is due solely to the failure of the Office to properly consider Applicants' November 17, 2004 submission and to appreciate the reason for submission.

Applicants hereby reiterate their authorization to charge the additional fees set forth in the November 17, 2004 Notification to Deposit Account No. 23-1703. Authorization is similarly given to the Commissioner to adjust any subsequently charged fees that might have been undercharged. It is also requested that the yet-to-be-paid issue fee and any subsequent

(e.g., maintenance) fees be charged at the rate for a non-small entity.

No fees should be due for consideration of this communication itself. However, should it be determined that a fee is required for any reason, the Commissioner is hereby authorized to charge it as well to Deposit Account No. 23-1703.

Date: March 29, 2006

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Richard J. Sterner", written over a horizontal line.

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Available Documents

Mail Room Date	Document Description	Document Category	Page Count
03-21-2006	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3
03-21-2006	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	1
03-21-2006	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
03-21-2006	Bibliographic Data Sheet	PROSECUTION	1
03-21-2006	Search information including classification, databases and other search related notes	PROSECUTION	1
03-13-2006	Examiner's search strategy and results	PROSECUTION	4
12-30-2005	Fee Worksheet (PTO-875)	PROSECUTION	2
12-30-2005	Fee Worksheet (PTO-875)	PROSECUTION	1
12-30-2005	Amendment - After Non-Final Rejection	PROSECUTION	1
12-30-2005	Claims	PROSECUTION	11
12-30-2005	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	8
12-30-2005	Extension of Time	PROSECUTION	1

07-01-2005	<u>Non-Final Rejection</u>	PROSECUTION	8
07-01-2005	<u>List of references cited by examiner</u>	PROSECUTION	1
07-01-2005	<u>Search information including classification, databases and other search related notes</u>	PROSECUTION	1
03-08-2005	<u>Fee Worksheet (PTO-875)</u>	PROSECUTION	1
03-08-2005	<u>Supplemental Response or Supplemental Amendment</u>	PROSECUTION	2
03-08-2005	<u>Claims</u>	PROSECUTION	10
03-08-2005	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	5
02-09-2005	<u>Examiner Interview Summary Record (PTOL - 413)</u>	PROSECUTION	2
12-30-2004	<u>Fee Worksheet (PTO-875)</u>	PROSECUTION	1
12-30-2004	<u>Amendment - After Non-Final Rejection</u>	PROSECUTION	1
12-30-2004	<u>Claims</u>	PROSECUTION	14
12-30-2004	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	2
11-30-2004	<u>Miscellaneous Action with SSP</u>	PROSECUTION	2
11-17-2004	<u>Request for Refund</u>	PROSECUTION	4
08-06-2004	<u>Fee Worksheet (PTO-875)</u>	PROSECUTION	1
08-06-2004	<u>Fee Worksheet (PTO-875)</u>	PROSECUTION	2
08-06-2004	<u>Amendment - After Non-Final Rejection</u>	PROSECUTION	1
08-06-2004	<u>Extension of Time</u>	PROSECUTION	1
08-06-2004	<u>Claims</u>	PROSECUTION	14
08-06-2004	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	3
02-10-2004	<u>Non-Final Rejection</u>	PROSECUTION	8
01-05-2004	<u>Amendment - After Non-Final Rejection</u>	PROSECUTION	1
01-05-2004	<u>Extension of Time</u>	PROSECUTION	1
01-05-2004	<u>Specification</u>	PROSECUTION	13
01-05-2004	<u>Claims</u>	PROSECUTION	14